

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

SHERIAN MCCOY,	)	
	)	
Plaintiff,	)	Case No.: 4:10-cv-56
	)	
vs.	)	PLAINTIFF'S COMPLAINT
	)	AND DEMAND FOR JURY TRIAL
GC SERVICES LP,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT**

SHERIAN MCCOY, ("Plaintiff"), through the undersigned counsel, Dave Lilley, alleges the following against GC SERVICES LP, ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

**PARTIES**

6. Plaintiff is a natural person residing in Euless, Texas.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: GC Services LP, 6330 Gulfton, Houston, Texas 77081.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

#### **A. DEBT**

11. Plaintiff incurred a financial obligation in the approximate amount of \$75,375.00 (the “Debt”) to American Education Services (the “Creditor”) in connection with a student loan.

12. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. §1692a(5).

13. The debt was incurred in 1999.

14. The Debt was purchased, assigned or transferred to GC Services LP for collection, or GC Services LP was employed by the Creditor to collect the Debt.

15. The Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. §1692a(2).

**B. HARASSMENT AND ABUSIVE TACTICS**

16. Defendant constantly and continuously places collection calls to Plaintiff at her home number of 817-267-4911 and her cell number of 817-528-3429 seeking and demanding payment for the alleged debt.

17. Defendant calls Plaintiff from telephone number 877-551-9781 seeking and demanding payment for the alleged debt.

18. Defendant began calling on or about May 2010.

19. Defendant sent Plaintiff a validation letter; however, the letter arrived several months after collection attempts began.

20. Plaintiff mailed a cease and desist letter to Defendant on November 11, 2010.

21. Upon receipt of Plaintiff's cease and desist letter, Defendant began calling for her at her church, Macedonia Church, on 972-436-2011 frequently disclosing information about the alleged debt to third parties such as the church's business manager Linda Buggs.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

22. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff at such place and time known or which should have been known to be inconvenient to Plaintiff.
- c.) Defendant violated §1692b(1) of the FDCPA by contacting persons other

than Plaintiff and failing to identify him/herself and failing to state the he/she is confirming or correcting location information concerning Plaintiff.

d.) Defendant violated §1692b(2) of the FDCPA by stating that the Plaintiff owes a debt in communications with persons other than Plaintiff.

e.) Defendant violated §1692b(3) of the FDCPA by contacting a person other than Plaintiff more than once in communications with persons other than Plaintiff.

f.) Defendant violated §1692g of the FDCPA by failing to send Plaintiff a validation notice within five days of the initial communication.

g.) Defendant violated §1692g(b) of the FDCPA by continuing with collection attempts on the alleged debt before the debt has been validated.

WHEREFORE, Plaintiff, SHERIAN MCCOY, respectfully requests judgment be entered against Defendant, GC SERVICES LP, for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SHERIAN MCCOY, demands a jury trial in this case.

This 24<sup>th</sup> day of January, 2011.

Respectfully Submitted,

ALEX SIMANOVSKY & ASSOCIATES, LLC

/s/ Dave Lilley

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